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REMARKS

OCT 30 2006

Claims 1-16 are pending in this application. Of these, claims 1, 7 and 13 are independent claims.

The Examiner has rejected independent Claims 1-16 under 35 U.S.C. 103(a) as obvious having regard to Paul (U.S. Patent No. 7,051,080 B1) in view of Owen et al. (U.S. Patent Application Publication No. 2005/0014494 A1). The applicants respectfully traverse these rejections.

Claims 1 and 13 (and claims 2-6 and 14-16 dependent therefrom) were rejected based in part on Owen et al. The Owen et al. application was filed on May 21, 2004 as a continuation of application no. PCT/CA02/01778, filed on November 21, 2002. The present application was filed May 2, 2001, and claims priority from U.S. Provisional Patent Application No. 60/260,223, filed on January 9, 2001. Both of the filing date and the priority date of the present application pre-date the earliest priority date of Owen et al. Accordingly, Owen et al. is not citable against the present application. Withdrawal of the rejections of claims 1-6 and 13-16 is therefore requested.

Claim 7 was rejected as obvious over Paul. To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2143.

It is submitted that a *prima facie* case of obviousness has not been made in respect of claim 7 because all of the claim limitations are not taught or suggested by the cited reference, as the Examiner suggests.

Claim 7 recites, in part, “a wireless mobile device comprising: a processor; [and] computer readable memory in communication with said processor, storing virtual machine software controlling operation of said wireless mobile device ...” [emphasis added]. At page 5 of the Office Action, the Examiner suggests that Fig. 1, #101 of Paul discloses a wireless mobile device, and that Fig. 1, #110 discloses a processor and computer readable memory in communication with said processor storing virtual machine software controlling operation of said wireless mobile device. However, close examination of Paul will reveal that reference numbers 101 and 110 of Fig. 1A (which is understood to be the Figure intended by the Examiner’s label “Fig. 1”) refer to different devices. Moreover, reference numeral 110 of Paul does not refer to a wireless mobile device, but rather refers to a mobile applications server.

The Examiner proceeds to suggest that various features of the server 110 of Paul somehow comprise the (distinct) mobile device 101. For instance, it is suggested that the XML converter 112 of Fig. 1 and col. 9, lines 32-35 teach a parser for receiving a text file, and that col. 6, lines 63-67 and col. 7, lines 1-10 teach a screen generation engine, for presenting at least one screen at said wireless mobile device in accordance with said text file. Of course, these features cannot comprise the wireless mobile device 101, as they are part of a distinct device 110, which is not a mobile device.

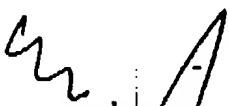
The Examiner also appears to read certain limitations of claim 7 into Paul despite the fact that those features are simply not disclosed or suggested therin. For example, the Examiner references col. 10, lines 8-35 as disclosing “an object class corresponding to a data table for storing data at said wireless mobile device”. However, that excerpt of Paul does not mention object classes at all.

As a result, it is submitted that no *prima facie* case of obviousness has been made out. Accordingly, per MPEP § 2142, the Applicant is under no obligation to submit evidence of non-obviousness. Withdrawal of the rejection to Claim 7, and claims 8-12 dependent therefrom, is therefore respectfully requested.

In view of the foregoing, favorable reconsideration and allowance of the application are respectfully solicited.

Respectfully submitted,

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October 30, 2006
MZ/PAL/jbs
93422-45